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UPDATED EVIDENCE and POLICY DEVELOPMENTS on REDUCING GUN VIOLENCE IN AMERICA

Edited by
DANIEL W. WEBSTER
and JON S. VERNICK

VISIT…

Updated Evidence and Policy Developments on Reducing Gun Violence in America

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EDITED BY

Daniel W. Webster, ScD, MPH

and Jon S. Vernick, JD, MPH

Center for Gun Policy and Research
Johns Hopkins Bloomberg School of Public Health

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Contents

Introduction 1
Daniel W. Webster and Jon S. Vernick

CHAPTER 3 Update: Thinking Differently about Mental Illness, Violence Risk, and Gun Rights 4
Jeffrey W. Swanson and Allison G. Robertson

CHAPTER 4 Update: Enactment of Legislation to Protect Victims of Domestic Violence: A Story of State Successes 10
April M. Zeoli and Shannon Frattaroli

CHAPTER 6 Update: Broadening Denial Criteria: New Developments 13
Garen J. Wintemute

CHAPTER 7 Update: Comprehensive Background Checks: New Evidence and Rethinking "Comprehensive" 17
Garen J. Wintemute

CHAPTER 8 Update: Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws 20
Daniel W. Webster, Jon S. Vernick, Emma E. McGinty, and Ted Alcorn

CHAPTER 10 Update: Adequate Oversight of Licensed Firearm Dealers Remains a Problem 24
Jon S. Vernick and Daniel W. Webster

CHAPTER 11 Update: Enforcing Federal Laws against Firearms Traffickers: Policy and Legislative Progress in 2013 27
Anthony A. Braga and Peter L. Gagliardi

CHAPTER 13 Update: Personalized Guns Progress Report 29
Stephen P. Teret

CHAPTER 18 Update: The Second Amendment 33
Lawrence E. Rosenthal and Adam Winkler

CHAPTER 19 Update: Public Opinion on Gun Policy Following the Newtown Mass Shooting and the Disconnect with Political Action 36
Emma E. McGinty, Daniel W. Webster, Jon S. Vernick, and Colleen L. Barry

Biographies of Contributors 40

Introduction

Daniel W. Webster and Jon S. Vernick

Reducing Gun Violence in America: Informing Policy with Evidence and Analysis was published in 2013 only 44 days after twenty children and six adults were murdered in a mass shooting at Sandy Hook Elementary School in Newtown, Connecticut. This 2014 update to *Reducing Gun Violence in America* summarizes some key points made in the book and provides new data, research, policy developments, and analysis.

Despite the growing number of people killed and wounded in mass shootings and the more than 11,000 murders and 19,000 suicides with guns annually, little has been done to strengthen porous federal gun laws since 1996, when legislation was enacted to prohibit persons convicted of misdemeanor crimes of domestic violence from possessing firearms. In fact, since then, the U.S. Congress has actually weakened federal gun laws by giving the gun industry immunity against most lawsuits, preventing the release of crime gun trace data, mandating the destruction of data from background checks within 24 hours, and limiting research that might threaten the gun lobby.

There was reason to believe that the mass shooting in Newtown might reverse that trend. At a time when mass shootings were occurring with regularity

in the United States, this tragic loss of so many young lives was a seminal event. The outpouring of grief and support for the families were overwhelming. News coverage of the event and of the many difficult issues it raised—the role of guns in violence, gun control, mental illness—was pervasive.

America had been shaken by many other mass shootings in recent years, but the tragedy at Newtown seemed different. Public opinion data collected following the Newtown shootings (see *Reducing Gun Violence in America,* chap. 19) demonstrated overwhelming, bipartisan support to strengthen policies to keep guns from high-risk individuals. New groups to advocate for stronger gun laws were formed, such as Moms Demand Action for Gun Sense in America and Americans for Responsible Solutions, while others saw expanded membership and activism, such as Mayors Against Illegal Guns and Faiths United to Prevent Gun Violence. The Center for American Progress, an influential think tank for progressive policies, took on gun policy as one of its priority issues.

Advocates were pleased to see President Barack Obama and Vice President Joseph Biden press for stronger gun laws, Congress hold hearings on the long-dormant issue, and several bills introduced to strengthen federal gun laws, including one cosponsored by Senators Joe Manchin (D-WV) and Pat Toomey (R-PA)—both from states with large numbers of gun owners—to expand background checks for some gun sales. But the background check bill did not garner sufficient support in the Senate to move forward and the Republican-led House refused to consider it or any other bill to strengthen gun laws. The only gun-related legislation passed was a renewal of a ban against firearms undetectable to metal detectors. The update by McGinty and colleagues in the present volume (chap. 19) articulates the structural hurdles for reforms at the federal level as well as the potential for optimism over the longer term.

In their update (chap. 8), Webster and colleagues note that gun laws were strengthened in 15 states plus the District of Columbia in 2013. The jurisdictions affected accounted for roughly 44% of the U.S. population. Eight of these states made fairly substantial changes, including Colorado, Delaware, and Illinois, each enacting background check requirements for all handgun sales. Maryland adopted a licensing system for handgun purchasers and stronger regulation of gun dealers. California, Connecticut, and Maryland expanded firearm prohibitions for high-risk individuals. Assault weapon bans or restrictions on large-capacity ammunition magazines were passed or strengthened in California,

Colorado, Connecticut, Maryland, and New York. Rosenthal and Winkler's update (chap. 18) indicates that, although there have been a number of legal challenges to gun laws based on claims that the laws violate the Second Amendment, nearly all have been unsuccessful.

Moreover, the Obama administration took action on many relevant executive orders. As the update by Vernick and Webster (chap. 10) discusses, a director of Bureau of Alcohol, Tobacco, Firearms and Explosives was finally confirmed by the Senate and several other gun dealer–specific changes were made. Braga and Gagliardi (chap. 11) identify additional steps the administration could take to strengthen gun law enforcement.

In his essay on advances in gun safety technology (chap. 13), Teret describes progress on personalized guns, which cannot be fired by unauthorized users. This includes executive actions by President Obama, reports by the National Institute of Justice on the technology, challenge grants to design safer guns, and the introduction of legislation to eventually require that all guns be designed so that they are childproof or inoperable by unauthorized users.

We believe too little attention has been given to questions about those conditions that should disqualify someone, even if temporarily, from possessing firearms; the only exception has been issues associated with mental illness. Swanson and Robertson's (chap. 3) update highlights the limits of focusing on mental illnesses as disqualifying conditions as a means to reduce criminal gun violence. Their update, congruent with updates by Wintemute (chaps. 6 and 7) and by Zeoli and Frattaroli (chap. 4), promotes a more data-driven approach to firearms policies to keep guns from individuals whose past criminal behavior, including domestic violence and alcohol offenses, should prohibit firearm possession.

There remains one other reason for at least some long-term optimism. In 2013, federal agencies made awards for or released requests for proposals on research on gun violence. The Institute of Medicine issued a report with recommendations for new federal funding of public health research on gun violence. We also saw new initiatives by private foundations to support research, policy analysis, and prevention efforts directed at reducing gun violence in the aftermath of the tragedy at Newtown. We hope that these efforts will lead to better science that can be applied to the pervasive problem of gun violence in America.

Thinking Differently about Mental Illness, Violence Risk, and Gun Rights

Jeffrey W. Swanson and Allison G. Robertson

Politicians and pundits called the Newtown massacre "unspeakable." That did not stop anyone from speaking about it. In the year following the Sandy Hook shooting, words poured out by the millions—in the mass media, task-force hearings, legislative debates, and difficult private conversations. After all that talk, what has been accomplished to prevent gun violence?

Some said the problem is all about guns. Others blamed our violent culture. But many Americans—across the political spectrum—concluded that gun violence is about *mental illness*. A post–Sandy Hook national opinion poll found a majority of gun owners as well as non-gun owners favored "increasing government spending to improve mental health screening and treatment as a strategy to prevent gun violence" (Barry et al. 2013). Is that the answer?

The average adult in this country believes that the average person with mental illness is dangerous (Pescosolido et al. 1999). That this media-fueled belief is wrong does not make it less influential in driving public support for violence prevention strategies targeting mental illness (McGinty et al. 2013; The Economist 2013).

One approach is to expand mandatory psychiatric treatment for purportedly dangerous mentally ill persons—to make them behave less dangerously (Torrey 2008). This is the idea behind broadening the scope of involuntary outpatient commitment as part of a gun violence prevention law, as New York State did in its (Newtown-inspired) Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013. Another approach is to limit access to lethal means for persons assumed to be risky by dint of mental health adjudication. Our chapter in *Reducing Gun Violence in America* (Swanson et al. 2013) evaluated that second approach, as implemented in a single state. What can be made of it now?

The centerpiece of our essay was an empirical study of whether a state's policy of reporting gun-disqualifying mental health adjudication records to the FBI's National Instant Criminal Background Check System (NICS) can reduce violent crime in the community. We had assembled a longitudinal database of matched mental health, court, and arrest records for 23,292 persons diagnosed with schizophrenia, bipolar disorder, or major depression who were receiving services in Connecticut's public behavioral healthcare system. We found a statistically significant 6% reduction in violent crime in gun-disqualified individuals attributable to Connecticut's initiating a policy of reporting records to NICS in 2007.

On one level, our study's take-home message was simply that states should proceed to report mental health adjudication records to the NICS—that this actually works to reduce violent crime. A lot of states seem to have gotten that message. Indeed, the number of mental health records deposited with the Federal Bureau of Investigation's background check database rose 77% in one year—from 1.8 million in November 2012 to 3.2 million in November 2013. By comparison, the number of records in the NICS for other categories of prohibited persons rose by 21% in 2013 (FBI 2013a, 2013b).

On another level, our study suggested a more complex answer than simply populating the NICS with states' civil commitment records. The NICS mental-health-reporting effect was indeed statistically significant, but it was substantively trivial; the policy affected only 7% of the study population of persons with serious mental illness, while 96% of the violent crimes recorded for that population were committed by persons who were *not* exposed to the policy. As a result, the estimated net reduction in violent crime in the population was miniscule—a tiny fraction of 1%.

Involuntary commitment orders are uncommon in Connecticut; federal firearms law is nested in widely variable state commitment practices (Appelbaum

and Swanson 2010). In many states, police commonly detain persons who are in a mental health crisis and transport them to a treatment facility, where they are briefly held before either being discharged or persuaded to sign into the hospital voluntarily. Neither of those dispositions currently results in gun disqualification in most states, notwithstanding elevated risk of harm to self or others that may coincide with involuntary hospitalization.

In April 2013, Connecticut passed wide-ranging gun safety legislation that was intended to address the problem of presumably risky people having access to guns. The new law vastly expanded the mental health criteria for firearms disqualification in the state: it prohibits persons from accessing guns for six months following *any voluntary hospitalization* for mental health treatment. This could include anyone who comes knocking on the door of a mental health facility who could benefit from an inpatient stay and is able and willing to consent to admission. Many mental health stakeholders in Connecticut reacted to this provision with alarm. Some clinicians, in particular, expressed concern that it might deter people in a mental health crisis from seeking hospital treatment (Rama 2013).

New York's SAFE Act provided another instructive example of the hazards of crisis-driven policy. Governor Andrew M. Cuomo and state lawmakers rushed to enact sweeping new gun regulations just weeks after the Sandy Hook shooting. The law requires mental health professionals to report to the police the names of patients who threaten to harm themselves or others, to the end that law enforcement may revoke any handgun permit possessed by a reportedly risky mentally ill person. The reporting mandate on mental health clinicians provoked strong controversy and created strange bedfellows, as the psychiatric establishment and gun rights advocates—neither having been consulted in advance—both opposed the SAFE Act for entirely different reasons (Appelbaum 2013; Swanson 2013).

We do need better mental health care in America. An estimated 3.5 million people with serious mental illnesses are going without treatment (Kessler et al. 2001). That is scandalous. But *mentally ill people are not the cause of the violence problem*. If schizophrenia, bipolar disorder, and depression were cured, our society's problem of violence would diminish by only about 4% (Swanson 1994). Does that mean mental illness is irrelevant to gun prevention policy? The answer is no, for two reasons.

One reason is suicide, which accounts for 61% of gun deaths (Centers for Disease Control and Prevention 2013). Mental illnesses are a strong contributing

factor in suicide. Another reason, as mentioned, is that people with serious mental illness who encounter the involuntary treatment system pose an elevated risk for violence toward themselves or others *under certain circumstances and during certain times,* such as the period following an involuntary hospitalization. Temporarily limiting access to firearms for people with mental illnesses—during the particular period when risk is heightened—amounts to a meaningful public health opportunity.

The opportunity must be tempered by the reality that a constitutional right is at stake. The reason that federal law predicates gun prohibition on involuntary civil commitment is not only about the putative correlation of gun violence risk with the dangerousness criteria for commitment. It is also about the civil commitment process itself; that an adversarial court proceeding, with representation of the parties by counsel, affords people due process for the restriction of liberty in hospital confinement and, by proxy, for the removal of a constitutional right to bear arms.

The practical problem with the current federal approach, as implemented variously across the states, is that it misses a lot of people at risk who never get committed, while it prohibits gun ownership by many people after they no longer pose a risk of harming others or themselves. As such, the criteria are both underinclusive and overinclusive.

In theory, we could solve one part of the problem by simply expanding the category of gun-disqualified persons to include anyone who might be at risk. But that introduces another problem—the possibility of infringing on people's civil rights without due process. And just focusing on persons with mental illness puts a very low ceiling on the proportion of violence that could possibly be prevented. It is time to think differently about gun violence as a public health problem. From that perspective, a fair and effective policy should start with *risk*, not mental illness.

The Consortium for Risk-Based Firearms Policy has crafted state and federal policy recommendations premised on three ideas: (1) that gun violence could be reduced by time-limited restrictions on gun access by persons based on evidence of their individual risk of harming themselves or others; (2) that a history of any kind of violence—particularly with criminal justice involvement—is a better predictor of future gun violence than is the broad category of persons diagnosed with serious mental illnesses; and (3) that expanding gun disqualification based on evidence of risk must achieve balance with policies that offer a timely opportunity for a clinically informed restoration of rights (CRBFP 2013a, 2013b).

In the end, following these principles could help us find our way to more effective policies that will meaningfully reduce the scourge of gun violence in America while safeguarding the rights of lawful gun owners. The problem is multifaceted and longstanding. There is no quick fix. But in the current environment where guns have become a radioactive political symbol, one can only hope that a risk-based approach to limiting firearms would emerge as at least one square inch of common real estate between those who are most concerned with the individual right to bear arms and those inclined toward greater regulation of guns in the public interest. We desperately need a place to start.

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Enactment of Legislation to Protect Victims of Domestic Violence

A Story of State Successes

April M. Zeoli and Shannon Frattaroli

Women are more likely to be killed by intimate partners than by other offender groups and the majority of these homicides are committed with firearms (US-DOJ and FBI 2011). Domestic violence and stalking increase the risk of being killed by one's intimate partner (Bailey et al. 1997; Campbell et al. 2003; McFarlane et al. 1999; Smith, Moracco, and Butts 1998). This elevated risk of intimate partner homicide (IPH) increases fivefold or more when a violent intimate has access to a gun (Bailey et al. 1997; Campbell et al. 2003; Kellerman et al. 1993).

In 2013, there were numerous attempts to pass legislation at both the federal and state level to reduce IPH by restricting domestic violence offenders' access to firearms. Several bills were introduced in the 113th U.S. Congress that were designed to extend protections of domestic violence victims from armed and violent intimate partners by expanding or clarifying the definition of intimate partner (H.R. 1177; H.R. 1914; S. 1290); extending the domestic violence restraining-order firearm prohibition to include *ex parte* restraining orders (H.R. 1177); including misdemeanor stalking as a disqualifying conviction for firearm purchase (H.R. 2648; S. 1290); and improving enforcement of current

firearms prohibitions (H.R. 848; H.R. 3566). Despite receiving wide support from national- and state-level victims' advocacy groups, there was no significant movement on these bills.

Consistent with a recent trend in state legislatures, multiple states enacted legislation in 2013 to reduce intimate partner violence offenders' access to firearms.[1] For example, Utah's legislators expanded their restraining-order firearm prohibition law to include dating relationships. Minnesota enacted a law requiring the reporting of prohibited persons to the National Instant Criminal Background Check System "as soon as practicable." This law covers not only those convicted of domestic violence misdemeanors but also those who are sent to pretrial diversion programs, which prohibit them from accessing firearms until their charges are dismissed. Implementation of these laws will make access to firearms more difficult for prohibited persons, including domestic violence offenders.

New state laws also focused on improving implementation of existing domestic violence firearms laws. Colorado law now requires those subject to domestic violence restraining orders and those convicted of misdemeanor crimes of domestic violence to relinquish their firearms. Connecticut also now specifies the protocol for those under restraining orders to surrender their firearms. This attention to the processes of enforcing existing laws is important. The title of our chapter in *Reducing Gun Violence in America,* "Evidence for Optimism," reflects our reading of the literature and the potential of laws that restrict respondents to domestic violence restraining orders from purchasing and possessing guns. Such laws are associated with reductions in IPH at the state (Vigdor and Mercy 2003) and local (Zeoli and Webster 2010) levels. These effects are likely the result of purchase prohibitions, as efforts to remove guns from respondents to restraining orders are uncommon (Klein 2006). A small number of localities do have initiatives to remove firearms from respondents to protective orders (Klein 2006), and research published this year offers insight into how to effectively realize the greater potential of these laws (Wintemute et al. 2013).

As we look ahead, our optimism remains rooted in the increasing strength of the evidence that suggests that more states are engaging in efforts to ensure that violent intimates are effectively prohibited from purchasing and possessing guns.

NOTE

1. Information on state-level legislation enacted in 2013 is from the Law Center to Prevent Gun Violence's 2013 State Scorecard: http://smartgunlaws.org/2013-state-scorecard-why-gun-laws-matter/#more-24226

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Broadening Denial Criteria

New Developments

Garen J. Wintemute

Federal law prevents the purchase and possession of firearms by anyone who has been convicted of a felony or a "misdemeanor crime of domestic violence," who is "an unlawful user of or addicted to any controlled substance," who has been "adjudicated as a mental defective" or "committed to any mental institution," and others.[1] Many states have gone further, and to good effect; California's firearm prohibitions for persons convicted of violent misdemeanors have been shown to prevent violent crime, for example.[2] This update reviews new information on the need for—and support for—expanding denial criteria, with a particular focus on denial for alcohol abuse.

Vittes and colleagues shed new light on the potential benefits of expanding denial criteria.[3] Their data come from the 2004 Bureau of Justice Statistics nationwide inmate survey and are for 13 states that did not have firearm prohibitions related to any of the following: (1) age less than 21 years; (2) serious juvenile offenses; (3) violent misdemeanor convictions; (4) alcohol abuse; or (5) drug abuse. All subjects in their study were incarcerated for crimes involving firearms, most of which also involved violence. Well over half of the subjects (59.7%) were not subject to firearm prohibitions when they committed

their crimes; this would have been reduced by nearly half, to 30.8%, had the states (or the federal government) enacted those five additional prohibitions.

A history of alcohol abuse has repeatedly been proposed as grounds for a firearm prohibition. Under federal law, alcohol is specifically excluded from the definition of controlled substances; neither addiction to nor unlawful use of alcohol prohibits firearm ownership. A 2013 review by the Law Center to Prevent Gun Violence identified three states (Indiana, Maryland, and Pennsylvania) with firearm prohibitions related to multiple convictions for driving under the influence or related offenses.[4] Other states used less well defined criteria to identify a population of alcohol abusers to whom a firearm prohibition might apply. No data on enforcement or effectiveness were available.

There is conclusive evidence, however, linking current and prior alcohol abuse or dependence to risk for committing violence against others or oneself. For example, approximately 37% of persons incarcerated for violent crimes are intoxicated when those crimes are committed, by their own report.[5,6] About one third of homicide and suicide victims test positive for alcohol, and at least 60% of those meet legal criteria for intoxication.[7] Multiple large-scale surveys have shown substantial increases in risk for future violence related to a prior history of alcohol abuse or dependence.[8,9] Studies of DUI offenders have found a very high prevalence of alcohol dependence and increased rates of criminal activity.[10,11]

In January 2013, the Summit on Reducing Gun Violence in America working group convened by Johns Hopkins University recommended a 10-year firearms prohibition for persons convicted of DUI or similar offenses on two or more occasions within three years.[12] Such legislation was passed by the California legislature but vetoed by the governor. In his veto message, the governor stated that he was "not persuaded that it is necessary to prohibit gun ownership on the basis of crimes that are non-felonies, non-violent and do not involve misuse of a firearm."[13] Research now in development will assess the risk for future criminal activity associated with a prior history of alcohol abuse or dependence among firearm owners.

The Consortium for Risk-Based Firearm Policy—a group of experts in gun policy, mental health, psychiatry, epidemiology, law, and law enforcement—recently endorsed five-year prohibitions against firearm possession for violent misdemeanants and persons with multiple convictions related to alcohol or controlled substance abuse.[14] A new survey of federally licensed firearm retailers (gun dealers and pawnbrokers) in 43 states found strong support for

such polices. Majorities favoring prohibitions based on convictions for specific crimes were as follows: 84.8% for publicly displaying a firearm in a threatening manner, 80.7% for possession of equipment for illegal drug use, 70.7% for multiple DUI convictions, 67.4% for assault and battery not involving a lethal weapon or serious injury, and 53.1% for resisting arrest.[15] Nine of 10 retailers (90.1%) supported a firearms prohibition for persons with "alcohol abuse and repeated cases of alcohol-related violence."

Current federal and state prohibitions on access to firearms contain significant gaps in coverage that allow individuals at increased risk for violent crime to purchase and possess firearms. Broader prohibitions have been shown to be effective where they have been examined, and there is widespread support for such measures.

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Comprehensive Background Checks

New Evidence and Rethinking "Comprehensive"

Garen J. Wintemute

Comprehensive background checks for firearm transfers are feasible and warranted.[1,2] In this update, I summarize new evidence on the need for comprehensive background checks, particularly as regards the sources of firearms used in crime and those sold on the Internet. I also suggest that we should rethink the meaning of "comprehensive" in light of new developments in California. Just as we take measures to prevent prohibited persons from acquiring firearms, we should act when people who have legally acquired firearms subsequently become prohibited persons.

The best available evidence is that approximately 40% of all firearm transfers occur between private parties—without background checks except in states that require them.[1,3] Data from a nationally representative survey of state prisoners indicate that this percentage approximately doubles for firearm acquisitions made with criminal intent.[4,5] These data come from the 2004 Bureau of Justice Statistics nationwide inmate survey and are for 13 states with lax regulation of firearms sales. Felons who were incarcerated for firearm-related crimes were asked how they had acquired the firearms they used in committing those crimes. Of those who responded, only 15.4% purchased their firearms from a

gun store or pawnshop. Of those who were already prohibited persons when they acquired their firearms, only 4.8% bought them from a licensed retailer. Clearly, unlicensed sources predominate in acquisition of firearms for criminal use.

Two new studies (neither published in a peer-reviewed source) provide a clearer sense of the Internet's role in facilitating direct private-party firearm sales. Both focus on Armslist.com, a well-known Web-based broker for firearm sales of all types. Mayors Against Illegal Guns examined the characteristics of private parties seeking to purchase firearms on Armslist.com during February–May 2013.[6] They were able to identify and examine criminal records for 607 individuals who placed "want to buy" notices and found that 3.3% of those individuals were prohibited persons. This is double the percentage of persons who are found to be prohibited persons on the background checks that must be conducted for firearm purchases from licensed retailers.[7] Those purchases, of course, are denied; purchases by prohibited persons via Armslist .com simply proceed undetected.

Third Way and Americans for Responsible Solutions examined all offers by private parties to sell firearms and requests to purchase firearms from private parties listed on Armslist.com for a single day in August.[8] They found that both types of postings were less common in states where some or all private-party sales must be routed through licensed retailers so that background checks can be conducted, suggesting that such policies do prevent undocumented, anonymous, and illegal firearm sales.

This update closes with a look ahead at a broader approach to preventing access to firearms by prohibited persons. Since 2006, California's Armed and Prohibited Persons System (APPS), operated by the state's Department of Justice (CalDOJ), has identified individuals who have recently become prohibited persons and who have records of firearm ownership in the state's archive of handgun purchases, assault weapon registrations, and concealed carry weapon (CCW) permit applications. These new prohibitions might arise from criminal convictions, domestic violence restraining orders, or emergency mental illness hospitalizations related to dangerousness to self or others. On a pilot basis, CalDOJ personnel have contacted selected armed and prohibited persons to recover their firearms, handling about 2,000 cases and recovering approximately 2,000 firearms per year, without incident. In 2013, CalDOJ was authorized and funded to expand the program to full statewide coverage, eliminating a backlog of 20,000 cases and addressing incident cases in a timely manner.

APPS's effectiveness in preventing firearm violence is not known, but a formal evaluation of the expanded program is being planned.

Private-party firearm transfers are common. Their anonymity and the lack of background checks facilitate access to firearms by prohibited persons and criminal firearm trafficking. The Internet may make such transfers easier than ever to accomplish. Comprehensive background check requirements would be very helpful, and new efforts to disarm prohibited persons show promise.

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Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws

Daniel W. Webster, Jon S. Vernick,
Emma E. McGinty, and Ted Alcorn

In our chapter in *Reducing Gun Violence in America* (Webster et al. 2013), we presented data on how criminals exploit weaknesses in current federal and state gun laws to acquire guns, usually in private-party transactions that are not subject to background check or record-keeping requirements. Though criminals typically obtain guns directly from private sellers, gun trafficking investigations and studies using gun trace data suggest that a small share of licensed dealers facilitate the diversion of guns from the legal to illegal market, where criminals obtain them from straw purchasers and traffickers. We highlighted several studies and new data which show that the number of guns diverted to criminals is negatively associated with the regulation of handgun sales by unlicensed private sellers, permit-to-purchase (PTP) licensing of handgun purchasers that require in-person applications at law enforcement agencies, and measures to increase the accountability of licensed gun dealers (Webster et al. 2006; Webster et al. 2009; Webster et al. 2013; Webster and Vernick 2013).

Kahane (2013) studied the flow of guns from the state of their original sale to criminals in other states and produced findings that were consistent with

those we presented previously (Webster et al. 2013). Controlling for many non-policy factors that might influence interstate gun trafficking, the study showed that stronger firearm sales regulations deterred the export of crime guns and reduced criminal use of locally purchased firearms. Specific policies independently associated with lower exporting of crime guns to other states were universal background checks for firearm sales,[1] requirements that gun owners report lost or stolen firearms, and laws giving law enforcement discretion in issuing permits for carrying concealed weapons (CCW). A key weakness of the study was its measurement of gun policies. All PTP handgun laws were treated as equal despite substantial differences in restrictiveness and requirements that potential purchasers apply in-person at law enforcement agencies where they are usually fingerprinted, factors that we found made them more effective (Webster et al. 2013). States that give police discretion in issuing CCW permits also have stricter policies for issuing permits to purchase handguns, and the negative association between discretionary CCW permit laws and fewer guns exported to criminals likely reflects the effects of stricter PTP laws.

We previously examined the impact of Missouri's repeal of its relatively strong PTP handgun law, effective on August 28, 2007 (Webster et al. 2013). The repeal of the PTP law also eliminated the state's requirement that handgun sales involving unlicensed, private sellers be subject to a background check. Following the repeal, we found a twofold increase in the percentage of crime guns recovered by police in Missouri with a recent retail sale date and a significant increase in the share of crime guns that had been sold by in-state gun dealers (Webster et al. 2013). More recently we also found that the number of guns sold in Missouri and later recovered by police in Illinois and Iowa—two states with PTP handgun laws—increased 37% from 2006 to 2012 (133 to 182), when the overall number of guns recovered by police in those states declined 6% (Bureau of Alcohol, Tobacco, Firearms and Explosives 2013). But more importantly, after controlling for changes in crime, incarceration, police, poverty, and unemployment as well as other key laws, the repeal of Missouri's PTP law was associated with an increase of 1 homicide per every 100,000 population per year through 2012, translating to about 55 to 60 additional homicides per year. The increase occurred only for homicides committed with firearms and was observed in each of the most populous counties in the state, but it did not occur in any of the eight states bordering Missouri (Webster, Crifasi, and Vernick in press).

Although the mass shooting in Newtown, Connecticut, on December 14, 2012, led to a surge in advocacy for stronger federal gun laws, Congress's only

legislative action on guns in 2013 was to renew a ban on undetectable firearms. A proposal by Senators Joe Manchin (D-WV) and Pat Toomey (R-PA) to require background checks for firearm sales by unlicensed sellers when the transaction occurred at a gun show or was initiated as a result of an advertisement on the Internet failed to pass in the U.S. Senate and was not taken up by the House of Representatives. (No modern Congress passed fewer bills in a year than did the 113th Congress.)

A number of states strengthened laws designed to keep guns from criminals and other high-risk groups in 2013. Colorado, Delaware, Illinois, and New York each enacted legislation to extend background check requirements when guns are sold by unlicensed sellers. Three of these states (Delaware, Illinois, and New York) and Maryland passed laws requiring gun owners to report lost or stolen firearms. Maryland arguably took the biggest step with its Firearm Safety Act of 2013. In addition to the lost-and-stolen-requirement, the law included a PTP handgun law with fingerprint verification and mandated safety training, increased state police authority to take action against gun dealers' licenses if dealers fail to comply with gun laws, and mandated that new state residents register their handguns. Maryland already required background checks for all handgun sales and banned the sale of junk guns, measures that could deter the diversion of guns to criminals and reduce gun violence (Webster et al. 2009; Webster et al. 2013; Webster, Vernick, and Bulzachelli 2006; Webster, Vernick, and Hepburn, 2002).

In summary, new data relevant to the effectiveness of policies to enhance accountability in firearms transactions and thereby reduce diversions were consistent with prior research demonstrating the effectiveness of background check requirements for all firearms transactions, permit-to-purchase licensing for handguns, and mandatory reporting of lost or stolen firearms. Though none of the policies recommended by experts in *Reducing Gun Violence in America* to prevent the diversion of guns to prohibited persons was adopted at the federal level, recommended policies were adopted by several populous states in 2013.

NOTE

1. The author incorrectly labeled these laws as background checks for guns sold at gun shows when the policies examined extended to guns sold at any venue

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Adequate Oversight of Licensed Firearm Dealers Remains a Problem

Jon S. Vernick and Daniel W. Webster

Firearm dealers are important source of guns for criminals. A small proportion of dealers sell the majority of guns recovered by the police. Prior research has demonstrated that enhanced oversight and inspection of dealers reduces illegal gun trafficking. Yet regulation and oversight of gun dealers at the federal and state levels remains inadequate.

Federal law requires a person "engaged in the business" of selling firearms to be licensed (called an FFL) by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). ATF is also responsible for oversight of licensed dealers. In an April 2013 report, the U.S. Department of Justice's Office of the Inspector General concluded that "ATF did not meet its goal of inspecting all FFLs on a cyclical basis, resulting in over 58 percent of FFLs not being inspected within 5 years." The report attributed this deficiency to insufficient investigatory resources within ATF. In recent years, ATF has used a number of metrics to identify "high risk" FFLs that are more likely to be involved in gun trafficking. These high-risk FFLs are supposed to be targeted for more frequent discretionary inspections by ATF. But the Inspector General's report noted that ATF lacked a system to track whether such inspections were occurring.[1]

Recognizing the role of firearm dealers in reducing access to guns for criminals, President Barack Obama included several executive actions relevant to dealers in his January 2013 plan to reduce gun violence.[2] President Obama directed ATF to give FFLs guidance on how to facilitate voluntary background checks when private sellers wish to transfer their firearms. The president also committed to obtaining Senate confirmation for a director of ATF. On July 31, 2013, B. Todd Jones was confirmed as ATF director, marking the first time in six years that ATF had had a confirmed director. The president also ordered ATF to publish an annual report on lost and stolen firearms. FFLs are required to report to ATF any firearms lost or stolen from their inventory within 48 hours of discovery. Guns stolen from dealers are especially problematic because they directly enter the illegal market and tracing their source is particularly difficult. In a June 2013 report, ATF determined that 16,667 firearms were reported lost or stolen from an FFL in 2012. An additional 173,000 firearms were reported lost or stolen from persons who were not FFLs.[3] Finally, the president ordered that all federal law enforcement agencies must submit recovered firearms for tracing to identify gun traffickers, including problem gun dealers.

In the absence of effective federal oversight of gun dealers, the role of states is even more important. In the year since the shooting at Sandy Hook Elementary School, however, just one state—Maryland—enacted new legislation to improve gun dealer regulation. With the enactment of the Firearm Safety Act of 2013, Maryland made a number of changes to its gun dealer legislation. Applications for a state gun dealer license may no longer be approved if a person who is not eligible for a license, or whose license has previously been revoked or suspended, will participate in the management of the gun business or hold a legal or equitable interest in the business. This change was intended to address the notorious case of a gun dealer in Maryland who sought to transfer his business to his mother's name after his license was revoked. The new law also allows a gun dealer's state license to be revoked for failure to maintain appropriate records of gun sales. Gun sales records allow law enforcement to determine if the dealer can account for his or her inventory or is selling guns "off the books." In addition, the Maryland state police are now required to inspect the inventory and records of gun dealers at least once every two years, making Maryland one of just three states mandating regular dealer inspections. Finally, dealers must notify all gun buyers that a lost or stolen firearm must be reported to local law enforcement within 72 hours.[4]

With more than 50,000 FFLs in the United States, oversight and enforcement of gun dealers remains a challenge. However, because only a small number of these dealers are intentionally diverting guns to criminals, identifying problem dealers and focusing scarce law enforcement resources on high-risk dealers can pay big rewards in the reduction of illegal gun trafficking and access to guns by criminals.

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Enforcing Federal Laws against Firearms Traffickers

Policy and Legislative Progress in 2013

Anthony A. Braga and Peter L. Gagliardi

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), often working with state and local law enforcement, investigates criminal firearms trafficking, arrests perpetrators, and makes referrals to U.S. Attorneys for prosecution. Unfortunately, there are some major obstacles that hinder law enforcement efforts to hold gun traffickers accountable for their crimes. To help address these persistent problems, we made six policy and legislative recommendations in *Reducing Gun Violence in America* to improve the capacity of the U.S. Department of Justice to enforce federal laws against gun traffickers. Over the course of 2013, some noteworthy progress has been made in two key areas: (1) creating a strong and effective ATF; and (2) developing and implementing regional crime gun–processing protocols.

ATF had been an underfunded agency led by an acting director between 2004 and 2012. President Barack Obama addressed ATF's unstable leadership problem by nominating B. Todd Jones, then the acting ATF director and U.S. Attorney for Minnesota, as the next director on January 24, 2013. Mr. Jones was confirmed by the U.S. Senate on July 31 and sworn in as the ATF director on August 29, 2013. The Obama administration has also requested, and the

U.S. Senate's Appropriations Committee has approved, a $1.3 billion budget for ATF, representing a nearly $100 million increase over fiscal year 2013. The increased funds include mandates to update and expand the National Integrated Ballistics Information Network (NIBIN) by replacing outdated equipment and supporting the comprehensive submission of crime gun evidence by state and local crime laboratories, hiring 160 additional ATF agents for criminal enforcement efforts, and hiring 60 additional industry operations inspectors to further support ATF's regulatory oversight responsibilities. If the U.S. House of Representatives agrees with the higher ATF funding levels identified by the Senate during the finalization of the FY2014 budget, the operational capacity of ATF will be strengthened.

Regional crime gun–processing protocols support gun crime investigations in local jurisdictions by ensuring that participating federal, state, and local law enforcement agencies comprehensively process all recovered crime guns and related evidence. In October 2012, the International Association of Chiefs of Police adopted a resolution (Regional Crime Gun Processing Protocols, number FC.028.a12) that views regionally applied crime gun and evidence processing protocols as a best practice for the investigation of firearm-related crimes. A growing number of state and local law enforcement leaders have recognized the importance of having mutually agreed upon protocols in place. For instance, on September 20, 2013, New Jersey Governor Chris Christie signed a new law (PL 2013 chapter 162) that requires New Jersey law enforcement agencies to use the National Crime Information Center to determine whether a firearm has been reported stolen, the ATF eTrace system to establish the identity of a firearm's first purchaser, and NIBIN to ascertain whether a particular firearm is related to any other criminal event or person. In a letter that he sent to the New Jersey legislature, Governor Christie stated that codifying existing law enforcement regulations is sensible and ensures that all state and local officials follow a single set of practices.

These are encouraging developments, but there has been no substantive progress made in our four other focal areas: (1) requiring the execution of private sales through federal firearms licensees; (2) enacting effective firearms trafficking statutes; (3) revisiting sentencing guidelines for firearms trafficking crimes; and (4) publishing national crime gun trace reports. Although not an exhaustive list, these policy and legislative changes are necessary to ensure that the legal firearms supply chain is secure from criminals.

Personalized Guns Progress Report

Stephen P. Teret

A personalized gun is one that, by design integral to the gun itself as opposed to an external locking device, can be fired only by the authorized user or users. If all newly manufactured guns were personalized guns, there would be a meaningful reduction in gun deaths. Considerable progress has been made on the personalized gun issue since mid-January 2013. What follows are brief mentions of the most important aspects of that progress.

Policy Advancements

Legislation relevant to personalized guns involves mainly, but not exclusively, the issue of whether to mandate that all new handguns be made so that they are personalized (or smart, childproof, owner-authorized, or user-authorized, all being synonymous). In the past year, there has been action at both the state and federal levels. On the federal level, Rep. John Tierney (D-MA) introduced a bill that would require all new handguns to be made owner-authorized and existing handguns to be retrofitted with smart technology. (The bill, H.R. 2005, can be accessed at http://www.govtrack.us/congress/bills/113/hr2005.)

California State Senator Mark DeSaulnier introduced in the California legislature SB-293, regarding owner-authorized guns. This bill, in amended form, passed both the senate and the assembly, but it has not yet been sent to the governor. (The bill can be accessed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB293.) It would require all new handguns sold in California to be made owner-authorized or personalized.

Another topic for legislation at the federal level is amending the Protection in Lawful Commerce in Arms Act (PLCAA), enacted into law in 2005. PLCAA granted gun manufacturers broad immunity from liability. This is relevant to the personalized gun issue in that litigation for failure to make a gun as safe as feasible can be an effective tool in getting manufacturers to utilize already existing technology. A bill was filed by Congressman Adam Schiff (D-CA) to amended PLCAA to allow for some lawsuits based on gun industry misconduct.

Technology Advancements

When President Barack Obama issued his 23 executive orders on January 26, 2013, one of the orders was to the Justice Department to explore the potential uses of gun technology as a means of reducing gun violence. Attorney General Eric Holder then commissioned the National Institute of Justice (NIJ) to investigate existing and future personalization technologies. A meeting hosted by NIJ took place in March 2013 and was attended by Attorney General Holder and his staff, members of other government agencies, gun manufacturers, inventors, and public health scholars. In the months that followed the meeting, the staff of NIJ explored in greater depth the details of existing and proposed technologies. On June 17, 2013, NIJ issued its report, entitled *A Review of Gun Safety Technologies* (which is available at https://www.ncjrs.gov/pdffiles1/nij/242500.pdf). The report found that "personalized firearms are not currently commercially available in the United States, but that at least three products—two handguns and a shotgun—are at a technology maturity level that could at least be described as commercializable or pre-production. The manufacturers of the two handguns say they are planning to bring their products to market in 2013." This NIJ report is of great importance in that it rebuts the longstanding claim made by many who are opposed to personalized guns that the technology is infeasible.

Scholarly Advancements

One of President Obama's executive orders issued in January 2013 was for the federal Centers for Disease Control and Prevention (CDC) to resume funding of gun violence prevention research. The CDC had discontinued such funding many years ago when it felt pressure from Congress, based upon the political influence of the NRA. As a result of the executive order, the CDC asked the Institute of Medicine (IOM), which is part of the National Academies of Science, to convene a meeting to discuss research priorities. One of the sessions of this meeting focused on personalized guns. IOM then issued a formal report on June 5, 2013 (which can be accessed at http://www.iom.edu/Reports/2013/Priorities-for-Research-to-Reduce-the-Threat-of-Firearm-Related-Violence.aspx). The IOM recommendations to the CDC as to what research should be funded include personalized gun technology.

A conference was held in Berlin, Germany, in mid-June 2013 at the offices of the German Foreign Ministry. It was attended by policy makers from Europe and elsewhere, gun manufacturers, inventors, and academics. Among the gun makers attending the conference were the principals of the Armatix Corporation in Germany and TriggerSmart in Ireland. These are the two leading companies recognized in the previously mentioned NIJ report as leading the development of personalized guns. The conference dealt, in part, with personalized guns. (A chapter on this topic, written for the conference, can be accessed at http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2013/SAS-2013-Personalized-Firearms-Perspectives-Conference-Paper.pdf.)

More than a decade ago, New Jersey passed a law that would require all new handguns sold in New Jersey to be childproof, as defined in the law, three years after the first childproof gun is offered for retail sale. Armatix now has plans to sell guns soon in the United States that will meet New Jersey's definition of a childproof gun, which will activate the three-year clock of the New Jersey law.

Social Advancements

Several venture capitalists who have designated themselves as the Sandy Hook Initiative have created a contest for additional technological advances for personalized guns, offering a prize of $1 million. Further information on this contest is available at http://www.smarttechfoundation.org/.

Media Attention

A great deal of attention to personalized guns has appeared in the print media over the past year. With regard to electronic media, the *PBS NewsHour* did a lengthy piece on personalized guns that focused on both technology and policy.

The Second Amendment

Lawrence E. Rosenthal and Adam Winkler

In 2013, the U.S. Supreme Court declined to take any Second Amendment cases, leaving both the scope of the right to keep and bear arms and the appropriate methodology for deciding Second Amendment cases uncertain. Decisions in the lower courts, both federal and state, continued to reflect a pattern of upholding firearms laws unless they impose what are regarded as very severe burdens on the right to keep and bear arms.

In recent decisions upholding challenged firearms regulations, some courts have reasoned that regulations that fall within the categories branded presumptively lawful in *District of Columbia v. Heller* should be sustained.[1] Others have reasoned that longstanding regulations are entitled to deference.[2] The clearest trend, however, is the continuing embrace by the courts of the two-step test detailed in our contribution to *Reducing Gun Violence in America*. That test asks whether a regulation falls within the framing-era conception of the right to keep and bear arms and, if so, whether the law satisfies means-ends scrutiny.[3] On the second prong, courts uniformly reject the claim that all regulations that limit the ability to keep and bear arms in common civilian use are necessarily subject to strict judicial scrutiny.[4] Most commonly, intermediate scrutiny is

applied.[5] Still, the Illinois Supreme Court followed an earlier federal appellate decision invalidating a statute that imposed a complete prohibition on carrying firearms in public.[6] There has also been speculation that the Second Amendment might limit the ability of police to stop and frisk individuals whom they believe to be armed.[7] Less complete prohibitions that require individuals to obtain a permit and demonstrate particularized need to carry a firearm for self-defense, however, have been upheld.[8]

NOTES

1. 554 U.S. 570 (2008). *See*, *e.g.*, Peterson v. Martinez, 707 F.3d 1197, 1210–12 (10th Cir. 2013) (concealed carry); People v. Zondorak, 163 Cal. Rptr. 3d 491 (Cal. Ct. App. 2013) (upholding ban on specified assault rifles as dangerous and unusual weapons); City of San Diego v. Boggess, 157 Cal. Rptr. 3d 644, 652–53 (Cal. Ct. App. 2013) (mentally ill); State v. Craig, 826 N.W.2d 789, 793–98 (Minn. 2013) (convicted felons); Caba v. Weaknecht, 64 A.3d 39, 51–53 (Pa. Cmmw. Ct. App. 2013) (concealed carry); Perry v. St. Civ. Serv. Comm'n, 38 A.3d 942, 955 (Pa.. Commw. Ct. App. 2011) (sensitive places); DiGiacinto v. Rectors & Visitors of Geo. Mason Univ., 704 S.E.2d 365, 369–70 (Va. 2011) (sensitive places).

2. *See*, *e.g.*, Drake v. Filko, 724 F.3d 426, 431–34 (3d Cir. 2013).

3. United States v. Chovan, __ F.3d __, __, 2013 WL 6050914 (9th Cir. Nov. 18, 2013); Woollard v. Gallagher, 712 F.3d 865, 874–75 (4th Cir. 2013); Peterson v. Martinez, 707 F.3d 1197, 1208 (10th Cir. 2013); Hertz v. Bennett, __ S.E.2d __, __, 2013 WL 5878264 * 3–4 (Ga. 2013); People v. Deroche, 819 N.W.2d 891, 896 (Mich. Ct. App. 2013) (per curiam); State v. Christian, 307 P.3d 429, 442–43 (Or. 2013).

4. *See*, *e.g.*, Schrader v. Holder, 704 F.3d 980, 989 (D.C. Cir. 2013).

5. *See, e.g.*, United States v. Chovan, __ F.3d __, __, 2013 WL 6050914 (9th Cir. Nov. 18, 2013 (upholding statute prohibiting possession of firearms by individuals convicted of misdemeanor domestic violence);; Drake v. Filko, 724 F.3d 426, 435–40 (3d Cir. 2013) (upholding discretionary permit system to carry firearms requiring that applicant demonstrate particularized need); Woollard v. Gallagher, 712 F.3d 865, 876–83 (4th Cir. 2013) (same); Schrader v. Holder, 704 F.3d 980, 989 (D.C. Cir. 2013) (upholding prohibition on common-law misdemeanant possessing firearms); Hertz v. Bennett, __ S.E.2d __, __, 2013 WL 5878264 * 4–5 (Ga. 2013) (upholding statute requiring license to carry firearms in public and disqualifying limited classes including convicted felons); State v. Christian, 307 P.3d 429, 444 (Or. 2013) (upholding ordinance prohibiting carrying loaded firearms in public without permit); State v. Jorgenson, __ P.3d __, 2013 WL 6115026 * 7–8 (Wash. 2013) (upholding prohibition on possessing firearms by persons charged with serious crimes).

6. People v. Aguilar, 2013 WL 5080118, __ N.E.2d __, __ (Ill. 2013).

7. *See* United States v. Williams, 731 F.3d 678, 690–94 (7th Cir. 2013) (Hamilton, J., concurring in part and concurring in the judgment).

8. *See*, *e.g.*, Drake v. Filko, 724 F.3d 426, 435–40 (3d Cir. 2013); Woollard v. Gallagher, 712 F.3d 865, 876–83 (3d Cir. 2013); In re Pantano, 60 A.3d 507, 511–14 (N.J. Super. App. Div. 2013).

Public Opinion on Gun Policy Following the Newtown Mass Shooting and the Disconnect with Political Action

Emma E. McGinty, Daniel W. Webster, Jon S. Vernick, and Colleen L. Barry

The December 14, 2012, shooting at Sandy Hook Elementary school prompted a national dialogue about the causes of, and solutions to, gun violence. The weeks and months following the shooting were a rare window of opportunity for policy makers to garner the public support and political will needed to strengthen gun laws in the United States, and during this period state and federal law makers introduced numerous gun violence prevention policy proposals. During the month following the Newtown shooting (January 2–14), we conducted a national public opinion survey to gauge Americans' support for many of the gun policies introduced by legislators across the country (N=2,703). We found that large majorities of Americans—including gun owners and Republicans—supported a wide range of gun policies, including policies to enhance the background check system for gun sales, to prohibit certain dangerous persons (e.g., those convicted of a serious juvenile crime) from having guns, to institute greater oversight of gun dealers, and to prevent people with mental illness from having guns.[1] This public opinion study used more rigorous methods than are typically employed in polls, including surveying large national samples of gun owners and non-gun owners living in

homes with guns to allow for more precise estimates of policy support overall and within key subgroups.

In spite of widespread public support for strengthening gun violence prevention policies, the U.S. Congress failed to pass any federal gun policy legislation. Perhaps most notably, Congress failed to pass legislation to strengthen the background check system for gun sales. This despite the fact that violence prevention research suggests that a strong background check system is necessary to keep guns out of the hands of dangerous people, and we found that the majority (89%) of the American public—including Republicans (86%), gun owners (84%), and members of the National Rifle Association (NRA) (74%)—supported requiring background checks for all gun sales.[1]

Why, in spite of widespread public support, did federal gun violence prevention policies proposed in the aftermath of the Sandy Hook shooting fail to become law? The structure of the U.S. government is one contributing factor. First, all states, regardless of population size, are equally represented by two senators; so, senators from rural states with small populations and high rates of gun ownership exert the same amount of influence as senators from states with large populations and lower rates of gun ownership.[2] In addition, U.S. Senate rules require 60 votes for cloture (required for an up or down vote on a bill). Republicans, who have become increasingly reliant on the gun lobby for campaign contributions and grassroots support, have used this rule in recent years to prevent bills it does not support from even getting a vote.

This is not the whole picture, however; our survey results showed that large proportions of gun owners support strengthening gun policies. Many legislators who voted against expanding background checks claimed they represented constituents' interests. However, we found that in states where both U.S. senators supported the Manchin-Toomey federal background checks bill, 91% of respondents supported universal background checks for gun sales, compared to 88% in states where one senator voted against the bill, and 87% in states where both senators voted against the bill. Clearly, factors besides public opinion influence politicians' voting behavior.

Interest group theory provides some insight into why public support for stronger gun policies may not be enough to prompt meaningful policy action.[3] In the gun policy arena, interest groups in favor of strengthening gun laws—like the Brady Campaign to Prevent Gun Violence—have historically been outfunded by the pro-gun NRA, which receives significant funding from gun manufacturers and is commonly acknowledged as one of the most powerful

interest groups in the United States. In 2012, the NRA spent more than $24 million on political contributions, lobbying, advertising, and other communication activities intended to influence policy outcomes.[4] The NRA exerts direct political power over members of Congress by grading them based on their gun policy votes and by funding their (or their opponents') campaigns. There are some signs that new interest groups supporting stronger gun policies—including a political action committee funded by Mayor Michael R. Bloomberg—may be capable of exerting their own political influence, but fear of an NRA backlash likely contributed to many politicians' decisions to vote against strengthening gun policies.

While the NRA has proved to be extremely capable at influencing gun policy outcomes, the organization in fact represents only about 2%—the group claims 5 million members[5]—of the U.S. population. Why does a group representing such a small subset of Americans have such outsize political influence?

In addition to substantial funding, NRA members and other pro-gun advocates tend to be more politically active, single-issue voters than the majority of Americans who support stronger gun policies, with very strong pro-gun opinions. Politically active individuals contribute money to candidates or organizations, communicate their policy preferences to elected officials, join advocacy groups, and engage in other activities that influence policy outcomes.[6] This political participation gap provides another explanation for why policy outcomes do not always align with majority public opinion.[7,8] This could change if the activism spurred by the mass shooting at Sandy Hook Elementary (e.g., the creation of Moms Demand Action, growing faith-based coalitions for stronger gun laws) can be sustained and expanded.

Despite broad public support across both political parties for policies designed to keep guns from dangerous people, gun policy remains one of the most polarizing issues in American politics. "Gun control" symbolizes, for many Americans, a threat to a broad set of conservative values related to a rural way of life, the importance of personal responsibility, and the role of government.[9] As a result, public opinion polls asking respondents to report whether they think gun control policies should be more or less strict, or whether it is more important to "control gun ownership" or "protect the right of Americans to own guns,"[10] likely measure a constellation of attitudes about gun ownership generally and the role of government rather than support for specific gun policies. In addition, these types of polling questions provide little useful information because it is unclear which policies respondents' are thinking of when they answer. While some respondents

may answer based on their opinions about background check policies, others may answer based on their attitudes toward automatic weapons bans or a host of other policies. Another reason for the disjunction between relatively low support for "stricter gun laws" and high support for specific policies, like background checks, is that many Americans may think current laws are already stricter than they are in reality. A recent CBS News poll concluded that only 49% of Americans think gun laws should be stricter; yet the same poll—consistent with our survey results—found that 85% of Americans (84% of Republicans) support requiring background checks for all gun sales,[11] a requirement lacking in federal gun laws and in most states' gun laws.

Moving forward, for advocates for stronger guns laws, it will be critically important to energize and increase the political participation of the large majority of gun owners who support policies—like universal background checks—to keep guns out of the hands of dangerous people.

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Biographies of Contributors

Ted Alcorn, MA, MHS, is a senior policy analyst in the Office of the Mayor of New York City. He contributes frequent public health reporting to *The Lancet* and has also published work in the *International Herald Tribune, The Financial Times, Guernica,* and the *American Journal of Tropical Medicine and Hygiene*. He earned an MHS from the Johns Hopkins Bloomberg School of Public Health and an MA from the Johns Hopkins School for Advanced International Studies (SAIS), and then lived in Beijing, China, as a Henry Luce Scholar.

Colleen L. Barry, PhD, MPP, is an associate professor and associate chair for Research and Practice in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. Dr. Barry's research focuses on policy and regulation affecting often-stigmatized health conditions, with a focus on mental illness, substance use disorders, and obesity. She teaches courses in health policy and politics and public opinion research. She is principal investigator of an NIMH R01 to understand the effects of implementation of the recent federal mental health and addiction parity law and is principal investigator on a NIDA R01 to evaluate the effects of regulations aimed at increasing rates of use of new treatments for substance use disorders. Dr. Barry has been involved with a number of projects examining the implications of various aspects of the Affordable Care Act on mental illness and addiction treatment. She is also principal investigator on two Robert Wood Johnson Foundation Healthy Eating Research grants, studying how news media messages used to frame the issue of childhood obesity affect public attitudes about food-marketing regulation and testing how media messages affect public opinion about taxes on sugar-sweetened beverages. She received a PhD in Health Policy from Harvard University and an MA in public policy from the John F. Kennedy School of Government at Harvard.

Anthony A. Braga, PhD, is the Don M. Gottfredson Professor of Evidence-Based Criminology in the School of Criminal Justice at Rutgers University and a senior research fellow in the Program in Criminal Justice Policy and Management at Harvard University. He is also a member of the University of Chicago Crime Lab and a Senior Fellow in the Chief Justice Earl Warren Institute on Law and Social Policy at the University of California, Berkeley. He is currently the president and an elected fellow of the Academy of

Experimental Criminology. Dr. Braga's research involves collaborating with criminal justice, social service, and community-based organizations to address illegal access to firearms, reduce gang and group-involved violence, and control crime hot spots. Since 1995, Braga has worked closely with criminal justice practitioners in Boston to reduce youth gun violence. He was a member of the Boston Gun Project, which implemented the Operation Ceasefire gang violence reduction strategy that was associated with a 63% reduction in youth homicides in Boston. Dr. Braga's research has been published in top criminal justice, medical, and public health journals. He received an MPA from Harvard University and a PhD in criminal justice from Rutgers University.

Shannon Frattaroli, PhD, MPH, is an associate professor at the Johns Hopkins Bloomberg School of Public Health, where she is affiliated with the Center for Gun Policy and Research. Dr. Frattaroli's research in the area of gun violence prevention focuses on understanding and improving how policies are implemented and enforced, with particular attention to those that aim to limit batterers' access to guns. A common theme in her work is the role of policy makers, law enforcement, the courts, and advocates in ensuring that laws designed to prevent gun violence are realized through implementation and enforcement strategies. Dr. Frattaroli is currently serving as a member of the Maryland Task Force to Study Access of Mentally Ill Individuals to Regulated Firearms.

Peter L. Gagliardi is senior vice president for Forensic Technology Inc. He has more than 40 years of experience extracting useful investigative information from crime guns and related evidence in both the public and private sectors. He spent 30 of those years in law enforcement, most of which were focused on the investigation of firearms- and explosives-related crimes with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In 1999, Mr. Gagliardi retired from ATF as the Special Agent in Charge of the New York Field Division. During his tenure in New York, he was responsible for managing all of ATF's law enforcement and regulatory operations within the New York–New Jersey metropolitan area. While assigned to ATF headquarters in Washington, DC, he served as the agency's principal liaison to Congress, the deputy assistant director of Science and Technology, the deputy assistant director of Law Enforcement Programs, and the chief of Strategic Planning. In 2010, he authored the book *The 13 Critical Tasks: An Inside-Out Approach to Solving More Gun Crime,* which Forensic Technology makes available at no cost to criminal justice agencies and educators. He currently serves on the Firearms Committee of the International Association of Chiefs of Police.

Emma E. McGinty, MS, is a research assistant and fourth-year PhD candidate in Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. Her research interests include mental illness, gun violence, and the role of the news media in public policy. Her dissertation research examines the effects of news media coverage of gun violence by persons with serious mental illness, the public's support for gun control policies, and stigma toward persons with serious mental illnesses, such as schizophrenia and bipolar disorder. At the Center for Gun Policy and Research, she is collaborating on

studies on the effects of minimum legal age restrictions for firearm purchasers and possessors on gun violence and the effects of state gun sales policies on interstate trafficking of guns. She also serves as a resource on mental illness and gun violence. Prior to coming to the Bloomberg as a Sommer Scholar in 2009, she worked for the Centers for Disease Control and Prevention. She received an MS in health and behavior science from Columbia University in 2006.

Allison G. Robertson, PhD, MPH, is an assistant professor in the Department of Psychiatry and Behavioral Sciences at Duke University School of Medicine. She received a PhD in health policy and management from the University of North Carolina, Chapel Hill, and an MPH in health management and policy from the University of Michigan at Ann Arbor. Her interests span several areas of mental health law, policy, and services research, in particular the problems of co-occurring substance abuse and the intersection between these disorders and criminal justice involvement. Dr. Robertson is currently an investigator on several projects including the multisite study on gun control laws, mental illness, and prevention of violence led by Dr. Jeffrey W. Swanson. She was principal investigator on a recent study funded by the Robert Wood Johnson Foundation Program on Public Health Law Research examining the effects of legal practices used in jail diversion programs for persons with serious mental illness which aim to improve participants' access to treatment and reduce recidivism.

Lawrence E. Rosenthal, JD, is a professor at Chapman University School of Law in Orange, California. Previously, he was deputy corporation counsel for Counseling, Appeals and Legal Policy with the City of Chicago's Department of Law. In this capacity, he argued three cases before the U.S. Supreme Court and supervised a large volume of complex litigation, as well as legislative and policy matters. He entered the practice of law as an assistant U.S. attorney for the Northern District of Illinois, specializing in organized crime and public corruption prosecutions. He brought the first racketeering case involving insider trading and secured the longest sentence—200 years—in the history of the District in an organized crime case. He clerked for Judge Prentice Marshall of the U.S. District Court for the Northern District of Illinois and for Justice John Paul Stevens of the U.S. Supreme Court. He graduated from Harvard Law School, where he won the Fay Diploma and was an editor of the *Harvard Law Review*. He continues to engage in litigation before the Supreme Court and other appellate courts, usually on a pro bono basis.

Jeffrey W. Swanson, PhD, is a professor in psychiatry and behavioral sciences at Duke University School of Medicine. He is a medical sociologist with expertise in psychiatric epidemiology, mental health services research, and mental health law and policy studies. Dr. Swanson is principal investigator of a multisite study on gun control laws, mental illness, and prevention of violence, cosponsored by the National Science Foundation and the Robert Wood Johnson Foundation's Program on Public Health Law Research. He received the 2011 Carl Taube Award from the American Public Health Association for outstanding career contributions to mental health research.

Stephen P. Teret, JD, MPH, is a professor of health policy and director of the Johns Hopkins Center for Law and the Public's Health. Professor Teret holds joint faculty appointments in pediatrics and in emergency medicine at the Johns Hopkins School of Medicine. He began his career working as a poverty lawyer and a trial lawyer in New York. Since 1979, he has been a full-time faculty member at the Johns Hopkins Bloomberg School of Public Health. His work includes research, teaching, and public service in the areas of injury prevention, vaccine policy, tobacco policy, food policy, preparedness, and, generally, public health law. Professor Teret's work has also focused on the understanding and prevention of violence, with an emphasis on gun policy. Teret is recognized as one of the first persons to write about and advocate for the use of litigation as a tool for protecting the public's health. He is a frequent lecturer at major universities and has served as a consultant to the president, the U.S. attorney general, the U.S. Congress, federal agencies, state legislatures, and health departments. Professor Teret is the recipient of distinguished career awards from the American Public Health Association and the Association of Trial Lawyers of America.

Jon S. Vernick, JD, MPH, is an associate professor and associate chair in health policy and management at the Johns Hopkins Bloomberg School of Public Health. He is co-director of the Johns Hopkins Center for Gun Policy and Research. In addition, Vernick is co-director of the Johns Hopkins Center for Law and the Public's Health and deputy director of the Center for Injury Research and Policy. His work has concentrated on ways in which the law and legal interventions can improve the public's health. He is particularly interested in epidemiology, policy, legal, and ethical issues associated with firearm and motor vehicle injuries. He has also examined aspects of numerous other public health issues including tobacco control, preparedness, and health advocacy. Vernick is also committed to graduate education, serving as an associate chair of the Johns Hopkins MPH Program. He received a BA from Johns Hopkins University, a law degree cum laude from George Washington University, and an MPH from the Johns Hopkins School of Hygiene and Public Health.

Daniel W. Webster, ScD, MPH, is a professor in health policy and management at the Johns Hopkins Bloomberg School of Public Health. He serves as director of the Johns Hopkins Center for Gun Policy and Research as well as deputy director of research for the Center for the Prevention of Youth Violence. He is also affiliated with the Johns Hopkins Center for Injury Research and Policy. Webster is the author of numerous articles on the prevention of gun violence and firearm policy. His current research interests include evaluating the effects of various efforts to reduce violence, including state gun and alcohol policies, policing strategies focused on deterring gun violence, a community gun violence prevention initiative (Safe Streets) and Maryland's Lethality Assessment Program for reducing the recurrence of intimate partner violence.

Adam Winkler, JD, MA, is a law professor at the University of California, Los Angeles. He is a specialist in American constitutional law, known primarily for his research on the right to bear arms and on corporate political speech. His work has been cited by the U.S. Supreme Court and numerous federal and state courts. His recent book, *Gunfight: The*

Battle over the Right to Bear Arms, was called "provocative" and "illuminating" by *The New York Times*; "a fascinating survey of the misunderstood history of guns and gun control in America" by *The Wall Street Journal*; and "an antidote to so much in the gun debate that is one-sided and dishonest" by the *Los Angeles Times*. A contributor to *The Daily Beast* and *The Huffington Post*, his commentary has been featured on *NBC Nightly News,* CNN, *The New York Times, The Wall Street Journal, Newsweek, The Atlantic, The New Republic,* and *SCOTUSblog*. He edited, along with Pulitzer Prizing–winning historian Leonard Levy, the *Encyclopedia of the American Constitution*. He is a graduate of the Georgetown University School of Foreign Service and New York University School of Law. He also holds an MA in political science from the University of California at Los Angeles.

Garen J. Wintemute, MD, MPH, is the inaugural Susan P. Baker–Stephen P. Teret Chair in Violence Prevention and director of the Violence Prevention Research Program at the University of California, Davis. He practices and teaches emergency medicine at UC Davis Medical Center, Sacramento (a level I regional trauma center) and is a professor of emergency medicine at the UC Davis School of Medicine. Dr. Wintemute's research focuses on the nature and prevention of violence and on the development of effective violence prevention measures and policies. Selected studies include assessments of risk for criminal activity and violent death among legal purchasers of handguns, evaluations of the effectiveness of denying handgun purchase to felons and violent misdemeanants, in-depth studies of gun dealers who are disproportionate sources of crime guns, and the first empirical study of gun shows. He is the author of two books: *Ring of Fire* (1994), a study of the handgun makers of Southern California, and *Inside Gun Shows: What Goes on When Everybody Thinks Nobody's Watching* (2009). He has testified before committees of Congress and state and local legislatures as an expert on firearm violence and its prevention. In 1997 he was named a Hero of Medicine by *Time* magazine.

April M. Zeoli, PhD, MPH, is an assistant professor in the School of Criminal Justice at Michigan State University. In her research, she uses public health methods and models to increase the understanding of violence and homicide. Her main field of investigation is the prevention of intimate partner violence and homicide through public health policy.

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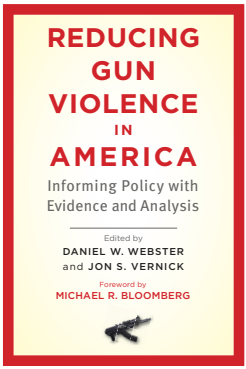

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Edited by Daniel W. Webster, ScD, MPH,
and Jon S. Vernick, JD, MPH
Center for Gun Policy and Research
Johns Hopkins Bloomberg School of Public Health

Foreword
Michael R. Bloomberg

Preface
Ronald J. Daniels and Michael J. Klag

Acknowledgments

Introduction
Daniel W. Webster and Jon S. Vernick

PART I: GUN POLICY LESSONS FROM THE UNITED STATES: KEEPING GUNS FROM HIGH-RISK INDIVIDUALS

1 Firearms and Violent Death in the United States
Matthew Miller, Deborah Azrael, and David Hemenway

2 The Limited Impact of the Brady Act: Evaluation and Implications
Philip J. Cook and Jens Ludwig

3 Preventing Gun Violence Involving People with Serious Mental Illness
Jeffrey W. Swanson, Allison Gilbert Robertson, Linda K. Frisman, Michael A. Norko, Hsiu-Ju Lin, Marvin S. Swartz, and Philip J. Cook

4 Evidence for Optimism: Policies to Limit Batterers' Access to Guns
April M. Zeoli and Shannon Frattaroli

5 Reconsidering the Adequacy of Current Conditions on Legal Firearm Ownership
Katherine A. Vittes, Daniel W. Webster, and Jon S. Vernick

6 Broadening Denial Criteria for the Purchase and Possession of Firearms: Need, Feasibility, and Effectiveness
Garen J. Wintemute

7 Comprehensive Background Checks for Firearm Sales: Evidence from Gun Shows
Garen J. Wintemute

8 Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws
Daniel W. Webster, Jon S. Vernick, Emma E. McGinty, and Ted Alcorn

9 Spurring Responsible Firearms Sales Practices through Litigation: The Impact of New York City's Lawsuits against Gun Dealers on Interstate Gun Trafficking
Daniel W. Webster and Jon S. Vernick

10 Curtailing Dangerous Sales Practices by Licensed Firearm Dealers: Legal Opportunities and Obstacles
Jon S. Vernick and Daniel W. Webster

PART II. MAKING GUN LAWS ENFORCEABLE

11 Enforcing Federal Laws against Firearms Traffickers: Raising Operational Effectiveness by Lowering Enforcement Obstacles
Anthony A. Braga and Peter L. Gagliardi

PART III. GUN POLICY LESSONS FROM THE UNITED STATES: HIGH-RISK GUNS

12 America's Experience with the Federal Assault Weapons Ban, 1994–2004: Key Findings and Implications
Christopher S. Koper

13 Personalized Guns: Using Technology to Save Lives
Stephen P. Teret and Adam D. Mernit

PART IV. INTERNATIONAL CASE STUDIES OF RESPONSES TO GUN VIOLENCE

14 Gun Control in Great Britain after the Dunblane Shootings
Michael J. North

15 Rational Firearm Regulation: Evidence-based Gun Laws in Australia
Rebecca Peters

16 The Big Melt: How One Democracy Changed after Scrapping a Third of Its Firearms
Philip Alpers

17 Brazil: Gun Control and Homicide Reduction
Antonio Rangel Bandeira

PART V. SECOND AMENDMENT

18 The Scope of Regulatory Authority under the Second Amendment
Lawrence E. Rosenthal and Adam Winkler

PART VI. PUBLIC OPINION ON GUN POLICY

19 Public Opinion on Proposals to Strengthen U.S. Gun Laws: Findings from a 2013 Survey
Emma E. McGinty, Daniel W. Webster, Jon S. Vernick, and Colleen L. Barry

Consensus Recommendations for Reforms to Federal Gun Policies

Biographies of Contributors
Index